

ATTACHMENT TO PTOL-90

In response to the BPAI's Order dated 01/07/2009, the following actions have been taken:

- 1) A full English translation of Tsanev (*Vutr. Boles* 23: 12-17, 1994) obtained by the Office has been scanned into the IFW file.
- 2) A copy of the English translation of Tsanev (*Vutr. Boles* 23: 12-17, 1994) is hereby provided to Applicants as an attachment to the instant communication.
- 3) The clarification of the status of claims 3 and 17 in the 35 U.S.C § 112, first paragraph (scope of enablement) rejection was already provided at paragraph (6) (i) of the Examiner's Answer mailed 10/29/2008 and is reiterated herein below by citing the relevant parts therefrom.

"(8) Grounds of Rejection to be Reviewed on Appeal

Withdrawn Rejection(s)

- (i) The following ground of rejection is not presented for review on appeal because the rejection has been withdrawn upon further consideration and/or based on Appellants' arguments presented in the appeal brief.

The rejection of claims 3 and 17 made in paragraph 29 of the Office Action mailed 02/11/08 and maintained in paragraph 14 of the Office Action mailed 04/30/08 under 35 U.S.C § 112, first paragraph, as being non-enabled with regard to the full scope, is withdrawn."

As per the decision made during the Appeal Conference, claims 3 and 17 were removed from the 35 U.S.C § 112, first paragraph rejection. However, the ground of rejection for the rest of the rejected claims remains the same.

/S. Devi/
Primary Examiner
AU 1645

January 2009